

STATE COMMITTEE OF EXAMINERS IN THE
FITTING AND DISPENSING OF HEARING INSTRUMENTS
COMPLAINTS SUBCOMMITTEE MEETING

Wednesday, February 11, 2009 10:00 a.m.
Department of State Health Services
Exchange Building, Room S-402
8407 Wall Street
Austin, Texas 78754

Minutes

Members Present:

Rosemary Geraci, Professional Member
Ben Norris, Professional Member
Amy Trost, Professional Member

Staff Present:

Joyce Parsons
Jose Paiz
David Richards
Stephen Mills

Public Present:

William McCrae
Earl Hyatt
Ray Jones

Agenda item 1 was call to order. The meeting was called to order 10:00 a.m.

Agenda item 2 was introduction of guests.

Agenda item 3 was review and approve subcommittee report of the meeting held October 1, 2008. Mr. Norris made a motion to approve the minutes. The motion was seconded and passed.

Agenda item 4 was discussion and possible action to consider pending complaints requiring subcommittee review.

1066-08-0032-Mr. Norris made a motion to close the complaint with a letter of advisement regarding supervision duties. The motion was seconded and passed.

1066-09-0001- Ms. Trost made a motion to impose an administrative penalty of \$2,000 for the violations consisting of no signed medical waiver, no record of ambient noise level, no audiogram, contract has a 60-day trial period and Texas law requires a 30-day trial period, and no notification whether the hearing instrument(s) were new, used, or recondition, and to recommend the Respondent issue a refund to the patient. The motion was seconded and passed.

1066-09-0002- Mr. Norris made a motion to close the complaint with no violation. The motion was seconded and passed.

1066-09-0003- Mr. Norris made a motion to close the complaint with no violation. The motion was seconded and passed.

1066-09-0004- Mr. Norris made a motion to close the complaint with no violation. The motion was seconded, discussed, and passed. Ms. Trost made a motion to send the respondent a letter stating that the Committee has no jurisdiction over the care credit transaction. The motion was seconded and passed.

1066-09-0005- Ms. Trost made a motion to table the complaint and request a copy of the complainant's contract from the complainant and request a copy of the file from the business owner. The motion was seconded and passed.

1066-09-0007- Ms. Trost made a motion to close the complaint with no violation. The motion was seconded and passed.

1066-09-0008- Mr. Norris made a motion to close the complaint as non jurisdictional and to include a statement in the respondent's closure letter warning that written contracts are required under §141.16(c) regarding second and third fittings. The motion was seconded and passed.

1066-09-0009- Ms. Trost made a motion to close the complaint with a letter of advisement warning that written contracts are required under rule §141.16(c) regarding contract of second and third fitting. The motion was seconded and passed.

1066-09-0011- Mr. Norris made a motion to close the complaint with no violation and to include a statement in the respondent's closure letter warning that §141.4(d) states that the original audiogram is required. The motion was seconded and passed.

1066-09-0013- Ms. Trost made a motion to close the complaint with no violation. The motion was seconded and passed. Mr. Norris made a motion to open a new complaint under rule §141.16(c)(10) against the supervisor that the supervisor's name and license number are required on the written contract completed by a permit holder. The motion was seconded and passed.

The subcommittee went into Executive Session at 11:58 a.m. The subcommittee left Executive Session at 11:13 a.m. and went back to open session.

The subcommittee went back into Executive Session at 12:36 p.m. The subcommittee left Executive Session and went back to Open Session at 12:45 p.m.

1066-09-0016- Mr. Norris made a motion to seek an injunction under sec. 402.552 and refer the matter to the office of the attorney general. The motion was seconded and passed.

Agenda item 5 was discussion and possible action concerning staff report of open complaints.

Agenda item 6 was announcements and subcommittee member(s) comments not requiring subcommittee action.

Agenda item 7 was adjournment. Ms. Geraci made a motion to adjourn. The motion was seconded and passed. The meeting was adjourned at 12:50 p.m.

Chair signature

Date